

Appl. No. : 10/041,036
Filed : November 8, 2001

REMARKS

Prior to entry of the foregoing amendments, Claims 1 through 44 stand pending in the present application. This Amendment amends Claims 1, 14, 15, 19, 23 and 25 and cancels Claims 8, 9, 12, 13, 20, 21 and 39 through 44. Claims 31 through 38 are withdrawn as directed to a nonelected species. New Claims 45 through 88 have been added.

Thus, after entry of this Amendment, Claims 1 through 7, 10, 11, 14 through 19, 22 through 30 and 45 through 88 are pending and presented for further consideration.

Claim Rejections

Claims 1-30 and 39-43 have been provisionally elected in a telephone conversation with Gerard von Hoffman on June 27, 2003. We affirm this election in this Amendment.

In the July 3, 2003 Office Action, the Examiner rejected Claims 39-41, 43, and 44 under 35 U.S.C. §102(e) as anticipated by Kaplan. Further, Claims 39-41 are rejected under 35 U.S.C. §102(e) as anticipated by Schulman, et al. Although the Applicant disagrees with the propriety of these rejections, the foregoing claims have been cancelled to facilitate issuance of other allowable claims in the present application.

Claims 1-4, 9-12, 14, and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kaplan in view of Winston, et al. Claims 5-8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kaplan in view of Winston, et al, as applied to Claims 1-4, 9-12, 14, and 15 above, and further in view of Govari, et al. Claims 16-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kaplan in view of Winston, et al, as applied to Claims 1-4, 9-12, 14, and 15 above, and further in view of Schulman, et al.

Claims 19, 21, 22, 29, and 30 are also rejected under 35 U.S.C. §103(a) as being unpatentable over Kaplan in view of Govari, et al., Claims 27 and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kaplan in view of Govari, et al, as applied to Claims 19, 21, 22, 29, and 30 above, and further in view of Schulman, et al.

Applicant disagrees with the propriety of the foregoing rejections. However, these rejections are now moot in view of the amendments presented above.

Claims 13, 20, and 22-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. In the foregoing amendments, each of the objected

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claims has been rewritten into independent form, including all of the recitations of any intervening claims. In view of these amendments, Claims 1 through 7, 10, 11, 14 through 19, 22 through 30 and 45 through 88 are believed to be in condition for allowance.

CONCLUSION

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested.

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without entry of such amendments. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: Irfan A. Lateef
Irfan A. Lateef
Registration No. 51,922
Attorney of Record
Customer No. 20,995
(949) 760-0404